

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JANNIE MAI TRUONG,

Defendant.

NO. CR03-0074RSL

ORDER STRIKING CLAIM OF
LEESA BYRNE AND GRANTING
THE GOVERNMENT'S MOTION
FOR FINAL ORDER OF
FORFEITURE

(Proposed)

THIS MATTER is before the Court on Plaintiff's Motion to Strike the Claim of Leesa Byrne and for entry of a Final Order of Forfeiture as to the \$6,469.00 in U.S. Currency. As explained below, the motion is Granted.

1. A Preliminary Order of Forfeiture, forfeiting the \$6,469.00 in United States Currency to the United States was entered on August 29, 2003.
2. On October 21, 2003, Leesa Byrne filed a claim to the currency, however failed to file an answer within 20 days after filing the claim.
3. Claimant Leesa Byrne was served with Plaintiff's First Set of Interrogatories and Requests for Production on June 26, 2004.
4. Except for Claimant Byrne, no other person or entity has filed a claim of interest in the defendant currency and the time for doing so has expired.
5. Claimant Byrne failed to provide answers to the Plaintiff's First Set of Interrogatories and Requests for Production.

1 6. On January 6, 2006, the Court entered an Order Compelling Leesa Byrne
2 to Answer the Government's Interrogatories and Respond to the
3 Government's Request for Production of Documents, and allowed Byrne
4 thirty (30) days from the date of the order in which to serve upon the
5 United States complete and detailed responses to Plaintiff's First Set of
6 Interrogatories and Requests for Production. At that time the Court
7 warned Ms. Byrne that failure to respond could result in dismissal of her
8 claim and entry of a Final Order of Forfeiture forfeiting her alleged
9 interest in the currency to the United States.

10 7. The 30 day time period in which to file complete responses to Plaintiff's
11 First Set of Interrogatories and Requests for Production has now expired.

12 8. Claimant Leesa Byrne has failed to comply with the Court's Order
13 compelling discovery.

14 9. Under these circumstances, the Court concludes that Claimant Byrne has
15 abandoned her Claim of interest in the \$6,469.00 in United States
16 currency, or, at a minimum Claimant Byrne has acted wilfully in failing
17 to comply with the government's outstanding discovery request.

18 Accordingly, it is ORDERED that the Claim of Leesa Byrne be stricken with
19 prejudice and that a Final Order of Forfeiture be entered, forfeiting the currency to the

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1 United States. The Government is directed to submit a Final Order of Forfeiture to the
2 Court within 10 days of the entry of this order.

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4 DATED this 17th day of July, 2006.

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8 Robert S. Lasnik
9 United States District Judge

10 Presented by:

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